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Attorneys for Defendant Julie Smith

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN, CHILDREN'S HOSPITAL; DIANA CHASE, NURSE DEBRA DAVIES, LCSW, Defendants.	No. 07-cv-1836-JAH(JMA) EX PARTE APPLICATION FOR ORDER ENLARGING TIME TO RESPOND TO AMENDED COMPLAINT

Defendant Julie Smith submits this ex parte request for an order enlarging time to respond to plaintiff's amended complaint filed May 22, 2008. Defendant's response to the amended complaint is presently due June 3, 2008. At the hearing on defendant's motion to dismiss plaintiff's original complaint this court requested that defendant, in defendant's anticipated motion to dismiss any amended complaint, submit to the district court Superior Court Juvenile Division records that may pertain to allegations in the amended complaint. Defendant is presently seeking to obtain records from the Superior Court Juvenile division for use and disclosure under Welfare and Institutions Code section 827. The Superior Court Juvenile division is scheduled to hear the request for the records disclosure on June 9, 2008. Records will therefore not be available until after the current due date for the defendant's anticipated motion to dismiss the amended complaint. Defendant, pursuant to Federal Rules of Civil Procedure, rule 6(b)(1)(a), therefore requests the court enlarge the time within which defendant may respond to plaintiff's amended complaint through June 18, 2008.

DATED: June 2, 2008

Respectfully submitted,

JOHN J. SANSONE, County Counsel

By: s/ RICKY R. SANCHEZ, Senior Deputy
Attorneys for Defendant Julie Smith
E-mail: ricky.sanchez@sdcounty.ca.gov

Declaration of Service

I, LAURA COMETA, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On June 2, 2008, I served the following documents: **Ex Parte Application For Order Enlarging Time To Respond To Amended Complaint; (proposed) Ex Parte Order Enlarging Time To Respond To Amended Complaint (proposed order served via U. S. mail on plaintiff only)** in the following manner:

☐ By personally delivering copies to the person served.

☒ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

Carmen Powell
372 Bay Leaf Drive
Chula Vista, California 91910
(619) 420-4204
(619) 253-1271
(plaintiff in pro per)

☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

PLEASE SEE ATTACHED LIST

Executed on June 2, 2008, at San Diego, California.

[signature]
LAURA COMETA

List Of Parties Served Via Electronic Filing

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